

RONALD DEAN STAGNER,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 93-16-A
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	November 4, 1992

On November 2, 1992, the Board of Indian Appeals (Board) received a notice of appeal from Ronald Dean Stagner (appellant). Appellant seeks review of a September 11, 1992, decision issued by the Acting Billings Area Director, Bureau of Indian Affairs (Area Director), assessing appellant damages for livestock trespass on Lease No. 1456, Allotment Nos. T27-A and 27, and Government Tract 3050, apparently on the Wind River Reservation.

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter. The Board finds, however, that the circumstances of this case require that the appeal be dismissed.

The Board's regulations in 43 CFR 4.332(a) provide that a notice of appeal from an Area Director's decision must be filed within 30 days from the aggrieved party's receipt of a copy of the decision and that "[a] notice of appeal not timely filed shall be dismissed for lack of jurisdiction." The Area Director's September 11, 1992, decision properly informed appellant of the time limitation on the filing of an appeal.

Appellant's notice of appeal, which was filed on October 28, 1992, states that he received the decision "on or after September 29, 1992." The Board requested and received from the Area Director a copy of the signed return receipt card for the September 11, 1992, decision. The card shows a receipt date of September 14, 1992. The date of receipt shown on the return receipt card is determinative. Accordingly, appellant's appeal was not timely filed and must be dismissed for lack of jurisdiction.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1. this appeal from the Acting Billings Area Director's September 11, 1992, decision is dismissed.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anit Vogt  
Administrative Judge